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10/769,351	01/30/2004	Norihiro Hara	16869P-096600US	8355
20350 7590 07/18/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR			EXAMINER	
			AHLUWALIA, NAVNEET K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/769,351	HARA ET AL.			
Office Action Summary	Examiner	Art Unit			
•	Navneet K. Ahluwalia	2166			
The MAILING DATE of this communication appeared for Reply	opears on the cover sheet	with the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING I Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory perior Failure to reply within the set or extended period for reply will, by statuany reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATED OF T	NICATION. a reply be timely filed ONTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 03					
· <u>—</u>	,—				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
closed in accordance with the practice under	Ex parte Quayle, 1935 C	.D. 11, 453 O.G. 213.			
Disposition of Claims	•				
4) ⊠ Claim(s) <u>1-33</u> is/are pending in the application 4a) Of the above claim(s) is/are withdrest solution 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) <u>1-33</u> is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and are	awn from consideration.				
Application Papers					
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) acceptable and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the I	ccepted or b) objected to objected to objected to object or be drawing(s) be held in abey objection is required if the drawi	vance. See 37 CFR 1.85(a). ng(s) is objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper N	w Summary (PTO-413) lo(s)/Mail Date			
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Other: _	of Informal Patent Application			

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/03/2007 has been entered.

Response to Arguments

- 2. Claims 1 33 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 33 remain rejected.
- 3. Applicant's arguments with respect to claims 1 33 have been considered but are most in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claims 1 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotner et al. ('Cotner' herein after) (US 6,247055 B1) further in view of Frank Vosseler ('Vosseler' herein after) (US 2003/0126240 A1).

With respect to claim 1.

Cotner discloses a method for processing databases in a system which includes a plurality of storage areas each storing a database and a plurality of computers each having a database management system (DBMS) running thereon which manages one of said plurality of storage areas, each said storage area being associated with only said DBMS managing said storage area, said method comprising:

- when a failure has occurred in one of said plurality of computers as a failed computer, obtaining preset substitution information indicating that a storage area managed by a DBMS running on said failed computer is to be managed by a DBMS already running on another one of said plurality of computers as a substitute DBMS (Figure 2, column 2 lines 60 67 and column 3 lines 1 9, Cotner); and
- area with said DBMS on said failed computer to said substitute DBMS, said storage area to be managed by said substitute DBMS already running on said another computer (Figures 3 and 4, column 4 lines 60 67 and column 5 lines 1 6, Cotner).

Cotner however does not disclose the the backup dbms or server already running explicitly as claimed.

However, Vosseler teaches the failover condition in paragraphs 13, 14 and 32.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both are in the same field of invention of network flow and maintenance along with monitoring. Furthermore, the detection of possible failure and failover condition would improve the efficiency of a network (paragraphs 13, 14, Vosseler). Furthermore, there would be interruption free working of the network transmission/communication (paragraph 47, Vosseler).

With respect to claim 2,

Cotner discloses the method as recited in claim 1, wherein said substitution information includes association information associating an identifier of said DBMS running on said failed computer with an identifier of said substitute DBMS already running on said another computer, said substitution information indicating that said storage area managed by said DBMS running on said failed computer is to be managed by said substitute DBMS already running on said another computer when a failure occurs (the resyn port number is pre assigned and this is similar to the unique identifier of the substitute computer, column 5 lines 7 – 37, Cotner).

With respect to claim 3,

Cotner discloses the method as recited in claim 2, wherein said substitution information comprises a mutual substitution configuration in which two of the DBMSs are associated with one another whereby one of the two DBMSs is a substitute DBMS for the other of the two DBMSs as a failed DBMS mutually (column 5 lines 22 - 34, Cotner).

With respect to claim 4,

Cotner disclose the method as recited in claim 2, wherein said substitution information comprises a substitution configuration in which a group of the computers from a first DBMS to a last DBMS are associated with each other in a manner whereby a first DBMS is a substitute DBMS for a second DBMS which is a substitute DBMS for a third DBMS, and the last DBMS is a substitute DBMS for the first DBMS (column 5 lines 17 – 33, Cotner).

With respect to claim 5,

Cotner discloses the method as recited in claim 2, wherein said substitution information comprises an n-to-1 substitution configuration whereby one of the DBMSs is a substitute DBMS for n of the DBMSs as failed DBMSs (as shown in Figure 5 and column 5 lines 30 – 37 explain that the resync port number is matched to a list and it

would be inherently possible that more than one system could have the same resync number, Cotner).

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With respect to claim 6,

Cotner discloses the method as recited in claim 1, wherein said substitution information includes a plurality of pieces of association information each associating an identifier of said DBMS running on said failed computer, an identifier of the substitute DBMS running on one of a plurality of substitute computers, and priority information indicating a priority with one another, said substitution information indicating that said storage area managed by said DBMS running on said failed computer is to be managed by said substitute DBMS running on one of said other computers selected according to said priority information (column 5 lines 7 – 37, Cotner).

With respect to claim 7,

Cotner discloses the method as recited in claim 1, further comprising taking over processing from said DBMS on said failed computer by said substituteDBMS on said another computer based on said substitution information (column 3 lines 3 – 9, Cotner).

With respect to claim 8,

Cotner discloses a method for processing a database in a database management system which divides said database into a plurality of sub-databases and

associates each sub-database with one of a plurality of database servers to process data, said method comprising (column1 lines 41 – 61, Cotner):

- if one of said plurality of database servers is found to have failed as a failed database server when a request for processing is made to said failed database server, obtaining an identifier of another one of said plurality of database servers already running as a substitute database server which is to take over said processing from said failed database server based on information on substitution relations between said plurality of database servers, and switching from said failed database server to said substitute database server for receiving said request for said processing (Figure 2, column 2 lines 60 67 and column 3 lines 1 9, Cotner);
- wherein said information on substitution relations between said plurality of database servers indicating which one of said plurality of database servers is used as a substitute database server if one of the other database servers fails is stored beforehand (Figures 3 and 4, column 4 lines 60 67 and column 5 lines 1 6, Cotner).

Cotner however does not disclose the the backup dbms or server already running explicitly as claimed.

However, Vosseler teaches the failover condition in paragraphs 13, 14 and 32.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because

both are in the same field of invention of network flow and maintenance along with monitoring. Furthermore, the detection of possible failure and failover condition would improve the efficiency of a network (paragraphs 13, 14, Vosseler). Furthermore, there

would be interruption free working of the network transmission/communication

(paragraph 47, Vosseler).

With respect to claim 9,

Cotner discloses the method as recited in claim 8, further comprising: receiving said request to which a substitution instruction based on said information on substitution relations has been added upon a failure of said failed database (column 3 lines 1 - 9, Cotner); and recognizing said substitution instruction and performing said processing in place of said failed database server based on said recognized substitution instruction (the resync port number is pre assigned and this is similar to the unique identifier of the substitute computer, column 5 lines 7 - 37, Cotner).

With respect to claim 10,

Cotner discloses the method as recited in claim 9, further comprising, before performing said processing in place of said failed database server, changing an execution environment of said substitute database server to an execution environment of said failed database server, said substitute database server taking over said processing (column 8 lines 36 – 51, Cotner).

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With respect to claim 11,

Cotner discloses the method as recited in claim 9, wherein performing said processing in place of said failed database server comprises using a database buffer of the substitute database server for accessing a database storage area, a table, or an index associated with said failed database server (where the list could be an index in column 8 lines 36 – 42 and in Figure 5 element 215 is a table that has the resync numbers, Cotner).

With respect to claim 12,

Cotner discloses a system for processing databases, said system comprising:

- a plurality of storage areas each storing a database (Figure 1, Cotner); and
- a plurality of computers each having a DBMS running thereon which
 manages one of said plurality of storage areas, each said storage area
 being associated with only said DBMS managing said storage area
 (Figure 2 and column 1 lines 41 62, Cotner);
- wherein each DBMS includes a substitution control section configured, when
 a failure has occurred in one of said plurality of computers as a failed
 computer, to obtain preset substitution information indicating that a
 storage area managed by a DBMS running on said failed computer is to
 be managed by a DBMS already running on another one of said plurality
 of computers as a substitute computer (Figure 2, column 2 lines 60 67

and column 3 lines 1 – 9, Cotner); and, based on said substitution information, to change association of said storage area with said failed computer to said substitute computer, said storage area to be managed by said sustitute DBMS running on said another computer (Figures 3 and 4, column 4 lines 60 – 67 and column 5 lines 1 – 6, Cotner).

Cotner however does not disclose the backup dbms or server already running explicitly as claimed.

However, Vosseler teaches the failover condition in paragraphs 13, 14 and 32.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both are in the same field of invention of network flow and maintenance along with monitoring. Furthermore, the detection of possible failure and failover condition would improve the efficiency of a network (paragraphs 13, 14, Vosseler). Furthermore, there would be interruption free working of the network transmission/communication (paragraph 47, Vosseler).

With respect to claim 13,

Cotner discloses the system as recited in claim 12, wherein said substitution information includes association information associating an identifier of said DBMS running on said failed computer with an identifier of said substitute DBMS already running on said another computer, said substitution information indicating that said storage area managed by said DBMS running on said failed computer is to be managed

by said substitute DBMS already running on said substitute computer when a failure occurs (the resync port number is pre assigned and this is similar to the unique identifier of the substitute computer, column 5 lines 7 – 37, Cotner).

With respect to claim 14,

Cotner discloses the system as recited in claim 13, wherein said substitution information comprises a mutual substitution configuration in which two of the DBMSs are associated with one another whereby one of the two DBMSs is a substitute DBMS for the other of the two DBMSs as a failed DBMS mutually (column 5 lines 22 – 34, Cotner).

With respect to claim 15,

Cotner disclose the system as recited in claim 13, wherein said substitution information comprises a substitution configuration in which a group of the DBMSs from a first DBMS to a last DBMS are associated with each other in a manner whereby a first DBMS is a substitute DBMS for a second DBMS which is a substitute DBMS for a third DBMS, and the last DBMS is a substitute DBMS for the first DBMS (column 5 lines 17 – 33, Cotner).

With respect to claim 16,

Cotner discloses the system as recited in claim 13, wherein said substitution information comprises an n-to-1 substitution configuration whereby one of the DBMSs is a substitute DBMS for n of the DBMSs as failed DBMSs (as shown in Figure 5 and

column 5 lines 30 – 37 explain that the resync port number is matched to a list and it would be inherently possible that more than one system could have the same resync number, Cotner).

With respect to claim 17,

Cotner discloses the system as recited in claim 12, wherein said substitution information includes a plurality of pieces of association information each associating an identifier of said DBMS running on said failed computer, an identifier of the DBMS already running on one of a plurality of substitute computers, and priority information indicating a priority with one another, said substitution information indicating that said storage area managed by said DBMS running on said failed computer is to be managed by said DBMS already running on one of said substitute computers selected according to said priority information (column 5 lines 7 – 37, Cotner).

With respect to claim 18.

Cotner discloses the system as recited in claim 12, wherein the substitution control section of said substitute computer is configured to take over processing from said failed computer based on said substitution information (column 3 lines 3 – 9, Cotner).

With respect to claim 19,

Cotner discloses a system for processing databases, said system comprising:

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 a plurality of database servers managing one of said plurality of storage areas, each said storage area being associated with only said database server managing said storage area (Figure 2 and column 1 lines 41 – 62,

a plurality of storage areas each storing a database (Figure 1, Cotner); and

Cotner);

- wherein each database server includes a substitution control section configured, if one of said plurality of database servers is found to have failed as a failed database server when a request for processing is made to said failed database server, to obtain an identifier of another one of said plurality of database servers already running as a substitute database server which is to take over said processing from said failed database server based on information on substitution relations between said plurality of database servers, and switching from said failed database server to said substitute database server for receiving said request for said processing (Figure 2, column 2 lines 60 67 and column 3 lines 1 9, Cotner); and
- wherein said information on substitution relations between said plurality of database servers indicating which one of said plurality of database servers is used as a substitute database server if one of the other database servers fails is stored beforehand (Figures 3 and 4, column 4 lines 60 67 and column 5 lines 1 6, Cotner).

Cotner however does not disclose the backup dbms or server already running explicitly as claimed.

However, Vosseler teaches the failover condition in paragraphs 13, 14 and 32.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both are in the same field of invention of network flow and maintenance along with monitoring. Furthermore, the detection of possible failure and failover condition would improve the efficiency of a network (paragraphs 13, 14, Vosseler). Furthermore, there would be interruption free working of the network transmission/communication (paragraph 47, Vosseler).

With respect to claim 20,

Cotner discloses the system as recited in claim 19, further comprising a communications control apparatus configured to receive said request to which a substitution instruction based on said information on substitution relations has been added upon a failure of said failed database (Figure 3 and 4, Cotner); and wherein said substitution control section is configured to recognize said substitution instruction and perform said processing in place of said failed database server based on said recognized substitution instruction (the resync port number is pre assigned and this is similar to the unique identifier of the substitute computer, column 5 lines 7 – 37, Cotner).

With respect to claim 21,

Cotner discloses the system as recited in claim 20, wherein said substitution control section is configured to change an execution environment of said substitute database server to an execution environment of said failed database server before performing said processing in place of said failed database server (column 8 lines 36 – 51, Cotner).

With respect to claim 22,

Cotner discloses the system as recited in claim 20, wherein said substitution control section is configured to use a database buffer of the substitute computer for accessing a database storage area, a table, or an index associated with said failed database server (where the list could be an index in column 8 lines 36 – 42 and in Figure 5 element 215 is a table that has the resync numbers, Cotner).

With respect to claim 23,

Cotner discloses the system as recited in claim 20, further comprising a processing request receiving device configured, if one of said plurality of database servers is found to have failed as a failed database server when a request for processing is made to said failed database server, to add a substitution instruction to said request for processing based on said information on substitution relations, before sending said request for processing to said computers (column 7 lines 29 – 47, Cotner).

With respect to claim 24,

Cotner discloses a computer readable medium storing a program for processing databases in a system which includes a storage area storing said database and a plurality of computers each having a DBMS running thereon which manages said storage area, each said storage area being associated with only said DBMS managing said storage area, the program comprising:

- code for, when a failure has occurred in one of said plurality of computers as a failed computer, obtaining preset substitution information indicating that a storage area managed by a DBMS running on said failed computer is to be managed by a DBMS already running on another one of said plurality of computers as a substitute DBMS (Figure 2, column 2 lines 60 67 and column 3 lines 1 9, Cotner); and
- code for, based on said substitution information, changing association of said storage area with said failed computer to said substitute DBMS, said storage area to be managed by said DBMS already running on said substitute computer (Figures 3 and 4, column 4 lines 60 67 and column 5 lines 1 6, Cotner).

Cotner however does not disclose the backup dbms or server already running explicitly as claimed.

However, Vosseler teaches the failover condition in paragraphs 13, 14 and 32.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both are in the same field of invention of network flow and maintenance along with monitoring. Furthermore, the detection of possible failure and failover condition would improve the efficiency of a network (paragraphs 13, 14, Vosseler). Furthermore, there would be interruption free working of the network transmission/communication (paragraph 47, Vosseler).

With respect to claim 25,

Cotner discloses the program as recited in claim 24, wherein said substitution information includes association information associating an identifier of said DBMS running on said failed computer with an identifier of said DBMS already running on said substitute computer, said substitution information indicating that said storage area managed by said DBMS running on said failed computer is to be managed by said DBMS already running on said substitute computer when a failure occurs (the resyn port number is pre assigned and this is similar to the unique identifier of the substitute computer, column 5 lines 7 – 37, Cotner).

With respect to claim 26,

Cotner discloses the program as recited in claim 24, wherein said substitution information includes a plurality of pieces of association information each associating an identifier of said DBMS already running on said failed computer, an identifier of the DBMS running on one of a plurality of substitute computers, and priority information indicating a priority with one another, said substitution information indicating that said storage area managed by said DBMS running on said failed computer is to be managed

by said DBMS already running on one of said substitute computers selected according to said priority information (column 5 lines 7 - 37, Cotner).

With respect to claim 27,

Cotner discloses the program as recited in claim 24, further comprising code for taking over processing from said failed computer by said substitute DBMS based on said substitution information (column 3 lines 3 – 9, Cotner).

With respect to claim 28,

Cotner discloses the program as recited in claim 27, further comprising: code for receiving said request to which a substitution instruction based on said information on substitution relations has been added upon a failure of said failed database (Figure 3 and 4, Cotner); and code for recognizing said substitution instruction and performing said processing in place of said failed database server based on said recognized substitution instruction (the resync port number is pre assigned and this is similar to the unique identifier of the substitute computer, column 5 lines 7 - 37, Cotner).

With respect to claim 29,

Cotner discloses the program as recited in claim 28, further comprising code for, before performing said processing in place of said failed database server, changing an execution environment of said substitute database server to an execution environment of said failed database server, said substitute database server taking over said

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processing (column 8 lines 36 – 51, Cotner).

With respect to claim 30,

Cotner discloses the program as recited in claim 28, wherein said code for performing said processing in place of said failed database server comprises code for using a database buffer of the substitute DBMS for accessing a database storage area, a table, or an index associated with said failed database server (where the list could be an index in column 8 lines 36 – 42 and in Figure 5 element 215 is a table that has the resync numbers, Cotner).

With respect to claim 31,

Cotner discloses a system for processing databases, said system comprising:

- a plurality of storage areas each storing a database (Figure 1, Cotner);
- a plurality of computers each having a DBMS running thereon which
 manages one of said plurality of storage areas, each said storage area
 being associated with only said DBMS managing said storage area
 (Figure 2 and column 1 lines 41 62, Cotner); and
- a management system coupled with the plurality of computers (Figure 2, Cotner);
- wherein the management system is configured to determine whether a failure
 has occurred in one of said plurality of computers as a failed computer;
 and, if a failure has occurred, to obtain preset substitution information

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indicating that a storage area managed by the DBMS already running on said failed computer is to be managed by the DBMS running on another one of said plurality of computers as a substitute DBMS (Figure 2, column 2 lines 60 - 67 and column 3 lines 1 - 9, Cotner); and

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wherein each computer is configured, when a failure has occurred in one of said plurality of computers as a failed computer, to obtain the preset substitution information from the management system; and, based on said substitution information, to change association of said storage area with said failed computer to said substitute computer, said storage area to be managed by said DBMS already running on said substitute computer (Figures 3 and 4, column 4 lines 60 – 67 and column 5 lines 1 – 6, Cotner).

Cotner however does not disclose the backup dbms or server already running explicitly as claimed.

However, Vosseler teaches the failover condition in paragraphs 13, 14 and 32.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both are in the same field of invention of network flow and maintenance along with monitoring. Furthermore, the detection of possible failure and failover condition would improve the efficiency of a network (paragraphs 13, 14, Vosseler). Furthermore, there would be interruption free working of the network transmission/communication (paragraph 47, Vosseler).

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With respect to claim 32,

Cotner discloses the system as recited in claim 31, wherein said management system is configured to send a request for processing including accessing a storage area; and wherein, if the DBMS associated with the storage area to be accessed is the failed computer, the management system is configured to add a substitution instruction to the request based on said preset substitution information (column 7 lines 29 – 47, Cotner).

With respect to claim 33,

Cotner discloses the system as recited in claim 32, wherein said substitute DBMS is configured, upon receiving said request from said management system with said substitution instruction, to change an execution environment of said substitute DBMS to an execution environment of said failed computer before performing said processing in place of said failed computer (column 8 lines 36 – 51, Cotner).

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Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-

272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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Navneet K. Ahluwalia

Examiner

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Dated: 07/07/2007

HOSAIN ALAM SUBERVISORY PATENT EXAMINER